

Building Better Regional Cities

Application Guidelines

October 2011

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# Important Information

***Application form***

Applicants must provide all of the information that is sought in the Application Form (including mandatory attachments). Applicants must provide a declaration signed by an authorised representative of the Applicant, preferably as a scanned attachment to the emailed Application Form, or where this is not possible, then as a hardcopy submitted by mail (to the address provided below) which must be postmarked as having been mailed on or before the Closing Date.

Only fully completed Applications which address both the mandatory eligibility criteria and Assessment Criteria, and include all required mandatory attachments will be accepted. If not fully completed, Applications may be deemed to be non-compliant and may not be considered for funding.

***Closing Date & Lodgement***

**Applications close at 4.00pm (AEDT) on Friday 18 November 2011** (the Closing Date).

Applications are to be submitted via a single email per Application to: bbrc@environment.gov.au on or before the Closing Date.

Emailed Applications must include:

* your completed Application Form (which must remain in MS Word format); and
* any attachments or supporting documentation (which must be submitted in either ‘pdf’, MS Word or MS Excel format).

Please note the size limit for the email is **10 MB**. Please ensure your email and attachments do not exceed this limit.

In certain circumstances, the Department may accept a hard copy, mailed Application Form by prior agreement. Applicants wishing to submit a hard copy Application must email their request to the BBRC Director at: bbrc@environment.gov.au, with a brief explanation of why a hardcopy Application is needed, **prior to 5.00pm (AEDT) on Monday 7 November 2011**. Requests to submit a hard copy Application will not be considered after this date and time.

Applications for which permission to submit a hard copy has been given, should be mailed to:

Building Better Regional Cities

Housing, Population and Communities Division

Department of Sustainability, Environment, Water, Population and Communities

GPO Box 787

Canberra ACT 2601

If submitting a hard copy, mailed Application, you must provide one hardcopy version of your Application Form and each attachment, plus one electronic version of each of these documents on CD (with the Application Form remaining in MS Word format, and all attachments being in either ‘pdf’ or MS Word or Excel format, and the total size of all documents not exceeding 10 MB).

Applications submitted by mail must be postmarked as having been mailed on or before the Closing Date.

Applications will be accepted at any time within the application period, and the Department will acknowledge receipt of all Applications within 5 working days.

***Late Applications***

Any Applications lodged after the advertised Closing Date and time will be considered late and will be registered separately. If the lateness is due to exceptional circumstances beyond the reasonable control of the Applicant, the Application may be admitted to the Assessment Process. Applicants will need to supply documentary evidence to support this.

The Department has no obligation to accept a late Application. Any decision by the Department to accept or not accept a late Application is at the Department's discretion and will be final.

To ensure fairness in the process, Applicants will not be permitted to amend or to attach further information or documentation to their Application after the Closing Date unless the Applicant has made unintentional omissions and errors, in which case the Department will decide, in its absolute discretion, whether to allow the Applicant to amend or attach further information to the Applicant's Application Form.

***Competitive Selection Process***

The awarding of funding under the Building Better Regional Cities Program is based on a competitive selection process. The total amount of funding available is capped at $100 million, spread across the 2011-12 to 2013-14 financial years.

Applications will be assessed against the Assessment Criteria at Section 4.1 of this document, based on the information provided in the Application Form. Projects will be recommended for funding based on the merits of individual Applications against the Assessment Criteria, in conjunction with the results of the risk and financial viability assessment processes and any further checks that may be undertaken by the Department (and any external experts engaged by the Department). The Minister will make the final decision on which projects are funded.

If an Application for funding is successful, the information supplied in the Application Form will form the basis of any funding offer.

**IMPORTANT:** Funding is limited. When considering or preparing their Applications, Applicants should take into account that:

* Applications that do not achieve a high assessment rating against Criterion 1 may not be further assessed; and
* Applications that are assessed as not adequately meeting any of criteria 2-5 may not be further assessed.

***Attachments***

Applicants must ensure they have answered all questions in the Application Form (including those which are indicated in the Application Form as needing to be provided as mandatory attachments to the Application), prior to the Closing Date.

***Questions and Answers***

A Question and Answer facility will be made available online. It can be accessed via the Building Better Regional Cities link at [www.environment.gov.au/housing/bbrc/qa](http://www.environment.gov.au/housing/bbrc/qa).

The Department will only respond to requests for information that seek clarification of issues to allow Applicants to better understand the requirements of the Application Form and Application Guidelines. Applicants should submit requests for clarification to the Building Better Regional Cities email address: BBRC@environment.gov.au.

Answers to questions received by 5:00pm (AEDT) on each Tuesday during the Application Period will be posted on this website at 5.00pm (AEDT) each Fridayduring the Application Period. Questions will not be taken after 5.00pm (AEDT) on Tuesday 8 November 2011, and the final responses will be posted at 5.00pm (AEDT) on Friday 11 November 2011.

If you are unable to send an email, you may leave a message on the Building Better Regional Cities voicemail service at: 1800 034 564.

It is the Applicant's responsibility to review the Question and Answer facility. The Department will not advise of updates or provide any further information except through this website. The Department will periodically provide updates on its website about the status of the assessment process. Beyond this, the Department will not accept or respond to any further questions, or Applicant’s requests for information or correspondence about the status or progress of their Application during the assessment phase.

# PROGRAM OVERVIEW

## What is the Building Better Regional Cities Program?

The Building Better Regional Cities (BBRC) Program is a $100 million funding commitment by the Australian Government to invest in local infrastructure projects that support new housing developments in regional cities.

Forty-seven regional cities (as listed at Section 2.1 below) are eligible to apply for funding under the BBRC Program. Up to $15 million (GST Excl) will be provided for infrastructure in each successful regional city. This could be for one development or spread across several, depending on local demographic patterns and community preferences.

Funding for the BBRC Program became available in the 2011-2012 Financial Year, and ceases on 30 June 2014. Only one funding round is proposed to be delivered.

## What are the objectives of the Building Better Regional Cities Program?

The objectives of the BBRC Program are to invest in local infrastructure projects that support an increase in the number of homes\* for sale and rent that are affordable for working families on ordinary incomes, in communities that are experiencing positive jobs and population growth that need more homes to be built. This investment in regional centres may also help to relieve the pressure on major capital cities, so that Australia can grow sustainably.

Two main groups are set to benefit as a result of the Australian Government’s contribution under the BBRC Program:

* working families on ordinary incomes (low to moderate income earners) living in regional centres who are suffering from cost of living pressures; and
* new residents who want to move into the area for jobs, who need homes.

\* For the purpose of the BBRC Program the term ‘homes’ covers dwellings.

# ELIGIBILITY

## Eligible Regional Cities:

|  |  |  |  |
| --- | --- | --- | --- |
| Newcastle (NSW)  | Wyong (NSW)  | Toowoomba (QLD)  | Warrnambool (VIC)  |
| Tweed Heads (NSW)  | Maitland (NSW)  | Mackay (QLD)  | Traralgon (VIC)  |
| Wagga Wagga (NSW) | Gosford (NSW)  | Rockhampton (QLD)  | Mandurah (WA)  |
| Albury (NSW)  | Lismore (NSW)  | Bundaberg (QLD)  | Bunbury (WA)  |
| Coffs Harbour (NSW) | Lake Macquarie (NSW)  | Hervey Bay (QLD)  | Kalgoorlie/Boulder (WA)  |
| Queanbeyan (NSW)  | Cessnock (NSW)  | Gladstone (QLD)  | Geraldton (WA)  |
| Tamworth (NSW)  | Bathurst (NSW)  | Geelong (VIC)  | Mount Gambier (SA) |
| Port Macquarie (NSW)  | Ballina (NSW)  | Ballarat (VIC)  | Devonport (TAS)  |
| Orange (NSW)  | Gold Coast (QLD)  | Bendigo (VIC)  | Burnie (TAS)  |
| Dubbo (NSW) | Sunshine Coast (QLD)  | Wodonga (VIC)  | Launceston (TAS) |
| Wollongong (NSW)  | Townsville (QLD)  | Mildura (VIC)  | Palmerston (NT) |
| Nowra (NSW)  | Cairns (QLD)  | Shepparton (VIC)  |  |

## Eligible Organisations

Only the 47 local governments listed at **Attachment A** (which directly correspond tothe Eligible Regional Cities identified at 2.1 above), will be eligible to submit an Application for funding under the BBRC Program.

## Consortium Arrangements

While State and Territory governments, private companies and incorporated not-for-profit bodies are not eligible to apply for funding directly, they are encouraged to participate in the BBRC Program by entering into Consortium arrangements with an Eligible Organisation.  Similarly, where other local governments (i.e.: those not listed at **Attachment A**) operate either partially or wholly within an Eligible Regional City, they may participate in the BBRC Program by entering into Consortium arrangements with the Eligible Organisation for that Eligible Regional City.

Where a Consortium has been entered into, the Eligible Organisation must act as the lead organisation for submitting the Application. Funding approval (including as the contracting party for the Funding Agreement and associated funding releases) will only be offered to the Eligible Organisation.

Where Consortium arrangements are entered into, the lead organisation is to be legally responsible for ensuring all obligations relating to the terms and conditions of the Funding Agreement are met. As such Consortia need to be supported by appropriate legal arrangements, and it is the responsibility of the lead organisation to put these legal arrangements in place. The Australian Government may require Successful Applicants to confirm that such legal arrangements are in place, prior to the first funding release being made. Where such arrangements are not put in place within four weeks of the Funding Agreement being executed, the Department may withdraw the offer of funding to the Eligible Organisation and cancel the Funding Agreement.

## Eligible Infrastructure Projects

Funding must be used for infrastructure that supports new infill and greenfield housing developments located within Eligible Regional Cities.

The types of infrastructure that can be funded under the BBRC Program include:

* Connecting or trunk infrastructure such as water and sewerage headworks, upgrades or extensions to drains and sewers (including the augmentation or replacement of existing infrastructure, where this is needed to support infill or greenfield housing developments), and connecting roads and bridges; and
* Community infrastructure such as parklands and open space; pedestrian and cycle paths; community centres, and recreation facilities.

All construction for the infrastructure component funded by the Australian Government must be completed by 31 March 2014, to enable final payments to be made prior to 30 June 2014. While it is not mandatory for dwellings to be constructed by 31 March 2014, the Australian Government will be giving priority to projects which see both lots and dwellings delivered within this timeframe.

Funding provided under the BBRC Program does not include any funding for future maintenance or upgrades to the development. Any proposal submitted must take into account future costs that might arise from the initial BBRC Program investment.

## What will not be Funded?

Funding will not be provided for projects that:

* are located outside of the 47 Eligible Regional Cities;
* involve the replacement, repair or refurbishment of existing infrastructure (except where that infrastructure requires augmentation or replacement to support infill or greenfield housing developments);
* supports or involves the replacement, repair or refurbishment of existing housing stock such as flood damaged homes or social housing stock;
* are delivered or supported through other Australian Government programs and initiatives aimed at increasing the supply of housing (including supported indirectly through funding from the National Affordable Housing Agreement);
* are designed to support or replace existing administrative costs of Applicants (eg: operational costs, wages, vehicle leasing and maintenance, upgrade of offices);
* are likely to have ongoing project operational costs where demonstration of funding to support those ongoing operational costs is not provided;
* seek a BBRC contribution exceeding $15 million (GST Excl) in value; or
* where construction of the infrastructure - for which BBRC funding is sought - has already commenced.

Funding must not be used by Successful Applicants for any administrative costs associated with the approved project.

IMPORTANT NOTE: Funding will NOT be provided retrospectively nor can it be used for costs incurred or accrued prior to the Funding Agreement being executed. If you apply for BBRC funding do not begin projects dependent on BBRC funding, or parts of larger projects reliant on BBRC funding, until the Funding Agreement is signed, as costs will not be reimbursed.

## Funding Availability

Applicants can apply for funding of up to $15 million (GST Excl) (in total across all Applications) for Eligible Infrastructure Projects that support new housing developments within Eligible Regional Cities.

Applicants can submit up to three separate project proposals each, however each project proposal must be submitted on a separate Application Form. If submitting more than one Application, Applicants must be mindful that the maximum amount of funding that can be awarded to each successful regional city is capped at $15 million (GST excl). Applicants submitting more than one project proposal must prioritise their project bids, and must ensure that they represent discrete and separate projects, rather than one project broken into several components.

Projects which include funding and/or in-kind contributions from the Applicant and/or other sources, or which generate further savings as a result of the BBRC investment, are encouraged.

Projects can be delivered across one or more financial years, however no funding will be provided beyond the 2013-2014 financial year. Applicants should seek independent advice on the taxation treatment of the grant and should protect their own legal interests in any Consortium arrangements.

## Mandatory Eligibility Criteria

To be eligible for consideration for funding under the BBRC Program, Applicants must submit a completed Application Form in accordance with these Application Guidelines and the requirements set out in the Application Form. Applications for funding must also comply with the following mandatory eligibility criteria:

* be submitted by an Eligible Organisation;
* be for an Eligible Infrastructure Project that is to be delivered within an Eligible Regional City; and
* demonstrate to the satisfaction of the Department that the project can be commenced, and construction of the infrastructure component funded by the Australian Government can be completed, in the period between the project commencement date and 31 March 2014.

# CONDITIONS OF FUNDING

## The Funding Agreement

Successful Applicants will need to enter into a Funding Agreement with the Australian Government prior to any payment of funds being made. A Funding Agreement is a performance-based, legally enforceable agreement between the Australian Government and the Successful Applicant that sets out the terms and conditions governing the funding to be provided. The Draft Funding Agreement has been developed in consultation with Eligible Organisations, and will form the basis of any offer of funding. The Draft Funding Agreement is available online via the Building Better Regional Cities link at: [www.environment.gov.au/housing/bbrc/funding](http://www.environment.gov.au/housing/bbrc/funding).

Applicants are to indicate the extent of their compliance with the Draft Funding Agreement in response to Assessment Criterion 5 (at Section 4.1 of these Application Guidelines).

It is important to note that where an Applicant is successful and has indicated an ability to comply with the terms and conditions of the Draft Funding Agreement in their Application, but amends their ability to comply with these terms and conditions after the offer is made, then that offer may be withdrawn.

## Consortium Arrangements:

Where projects are delivered through Consortium arrangements, a Funding Agreement will only be entered into with the lead Eligible Organisation, and where the lead Eligible Organisation can confirm that the Consortium is supported by appropriate legal arrangements or that such arrangements will be in place within 4 weeks of execution of the BBRC Funding Agreement.

## Timeframe for Entering into a Funding Agreement:

Successful Applicants will have eight weeks after the successful projects are announced by the Minister to enter into a Funding Agreement with the Australian Government. The offer of funding may be withdrawn if the Applicant cannot meet this timeframe, has not obtained agreement from the Department for an extension to this timeframe, or if there are other significant reasons why the project cannot commence.

## Commencement Date

The project commencement date is the date that the signed (by the Successful Applicant's authorised representative) Funding Agreement is co-signed by a delegate of the Department (the Funding Agreement is ‘executed’). A copy of the executed Funding Agreement will be returned to the Successful Applicant for their records.

## Payment of Funding

Project funds will be paid in accordance with the agreed milestones and payment schedules specified in the Funding Agreement. All funding releases are subject to the Successful Applicant complying with the terms and conditions of the Funding Agreement.

A final payment will be made upon the following conditions being met:

* completion of the infrastructure component of the project by 31 March 2014; and
* provision of all reports and acquittals required under the BBRC Funding Agreement, which are acceptable to the Department, and receipt of a correctly rendered tax invoice by 30 April 2014.

## Performance and Reporting Requirements

The Department is responsible for measuring the effectiveness of the Building Better Regional Cities Program and is also required to report on program expenditure in accordance with the *Financial Management and Accountability Act 1997*. Successful Applicants will be required to meet reporting and performance obligations under the terms and conditions of the Funding Agreement.

***Performance Measures:***

Proposal-specific performance measures should be developed, and described by Applicants in their proposal. Performance measures will be will be agreed upon as part of the Funding Agreement negotiations, and Successful Applicants will be required to report on the progress of their projects against the agreed performance measures. Suitable performance measures may include:

* planned versus actual delivery of infrastructure items / components;
* achievement of milestones by the due date;
* stages of infrastructure delivered by a particular date;
* land release stages delivered by a particular date;
* total number of lots and/or dwellings delivered by a certain point;
* amount of benefits delivered to eligible purchasers or renters of affordable homes per lot and/or dwelling; and
* number of low to moderate income earners benefiting from the BBRC investment.

***Reporting Requirements:***

Successful Applicants must provide regular reports on their progress against the performance measures and milestones agreed to in their Funding Agreement. It is intended that the reporting frequency may be set at either quarterly or half yearly intervals, or at other key project milestones, depending on the size and/or complexity of the projects, and on the results of the risk and financial viability assessments undertaken by the Department. The reporting frequency and reporting content will be determined as part of the Funding Agreement negotiations. Demonstrated acquittal of expenditure by Successful Applicants will also be a key element of these reports, as is noted in paragraph 3.8 below.

Where progress payments are linked to the achievement of specific activities or milestones, these payments will only be made after the relevant progress report is accepted by the Department and the Department agrees that the requirements for payment stated in the Funding Agreement have been met, including expenditure of the previous payment. Additionally, if funding has been approved subject to meeting certain conditions, evidence that the conditions have been met must be presented to, and accepted by, the Department.

The Department may require the reporting obligations to be extended by a further two years or more beyond 30 June 2014, where Successful Applicants have indicated that it will not be possible to deliver any of the following by 31 March 2014:

* Release of lots for sale;
* Release of dwellings for sale; or
* Benefits to purchasers or renters of affordable homes per lot and/or dwellings.

This would allow sufficient time for Applicants to meet their obligations under the Funding Agreement (note: such an extension to the reporting timeframes will NOT involve extending the period in which funds will be released, as funds will not be released after 30 June 2014).

## Monitoring and Compliance

In addition to the regular reporting and performance requirements that Successful Applicants will be required to meet, the Department may ask for further information and/or conduct site visits and/or arrange inspections by third parties from time to time to monitor the progress of projects funded under the BBRC Program and compliance with the terms and conditions of funding. These monitoring and compliance arrangements will be set out in the Funding Agreement.

## Funding Acquittal

Successful Applicants are required to provide the Department with financial acquittals and audited financial statements, annually and upon completion of the project, that demonstrate that they have spent the Australian Government funding for the purposes specified in the Funding Agreement.  The financial acquittals and financial statements must be audited by an independent auditor.

The Draft Funding Agreement includes provision for the Australian Government to seek repayment of funds that are found to have not been spent in accordance with the purposes specified in the Funding Agreement. Applicants should familiarise themselves with the Funding Agreement to ensure they are able to comply with the acquittal requirements.

## Compliance with Commonwealth, State and Territory legislation and regulations

Successful Applicants are responsible for ensuring that their project complies with all legal requirements set out in any relevant Commonwealth, State or Territory legislation and regulations, and that a duty of care is applied. Applicants should also be aware of any case based law that may apply to, or affect, their funding proposal.

## Funding for Projects Relating to Building and Construction

Building work funded by the Australian Government is subject to all relevant Commonwealth, State or Territory occupational health and safety laws.

This includes, under the *Building and Construction Industry Improvement Act* *2005 (the Act)*:

* the Australian Government Building and Construction OHS Accreditation Scheme **(the Scheme)**;
* the National Code of Practice for the Construction Industry **(the Code)**; and
* the Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry **(the Guidelines)**.

These are administered variously by the Office of the Federal Safety Commissioner and DEEWR. For detailed information on the Scheme, Applicants should visit the website of the Federal Safety Commissioner, at [www.fsc.gov.au](http://www.fsc.gov.au), while more information on the Code and Guidelines is available at [www.deewr.gov.au/building](http://www.deewr.gov.au/building).

It is very important that Applicants ensure they are familiar and can comply with the obligations that may arise for them and their contractors, in relation to infrastructure construction projects funded under the BBRC Program. In particular:

* Any company that is to be engaged as the head contractor for those works may be required to be accredited under the Scheme, at the time at which tenders for the relevant contract are called. They may also be required to verify compliance with Code and Guidelines.
* Where no tender process is to be conducted for the head contract, these requirements would instead apply from the time when a local government enters into a contract with a contractor for this work.

These requirements would only apply in relation to the infrastructure construction element funded under the BBRC Program, and not to the related housing developments. In addition, they would only apply where particular thresholds applying to the Scheme, and separate thresholds applying to the Code and Guidelines, are met. Applicants should visit the websites referred to above for detailed information on those thresholds; however, in summary they are as follows:

* The head contractor will need to be accredited under **the** **Scheme** if**:**
* the head contract for the building work is greater than $3 million, **and**
* the value of the Australian Government contribution to a project is at least $5 million and represents at least 50 per cent of the total construction project value;

**or,**

* the Australian Government contribution to a project is $10 million or more, irrespective of the proportion of Australian Government funding.
* The head contractor will need to be registered under **the** **Code and Guidelines** at the time of tenderif:
* the value of the Australian Government contribution to a project is at least $5 million and represents at least 50 per cent of the total construction project value;

**or**

* the Australian Government contribution to a project is $10 million or more, irrespective of the proportion of Australian Government funding.

Consistent with the requirements of the Act, Applications will not be considered eligible unless they confirm that the requirements of the Scheme, the Code and the Guidelines are, or will be, complied with. Any Successful Applicants will also be required to report regularly on compliance with these obligations, and the Commonwealth may terminate the funding for an approved project, and require its funding to be repaid, if full compliance is not consistently demonstrated.

# COMPLETING AN APPLICATION FOR FUNDING

All Applicants must complete the Building Better Regional Cities Application Form which is available at [www.environment.gov.au/housing/bbrc/funding](http://www.environment.gov.au/housing/bbrc/funding), and must provide all of the information that is sought in the Application Form (including mandatory attachments).

When preparing and submitting Applications, Applicants must ensure they understand and follow all directions identified in the “Important Information” section of this document.

## The Assessment Criteria

Applications will be assessed against five Assessment Criteria:

* Criterion 1: Economic Growth, Housing Need and Supply
* Criterion 2: Infrastructure Delivery and Approvals
* Criterion 3: Value for Money and Affordability
* Criterion 4: Good Urban Design and Sustainability
* Criterion 5: Capacity and Compliance

The Assessment Criteria are intended to prioritise projects which meet the objectives of the BBRC Program and which deliver strong outcomes and represent value for money to the Australian Government.

Ratings will be awarded based on the merits of the proposal against the Assessment Criteria. All of the information provided in the Application Form (and attachments) may be considered when assessing the merits of each proposal against the Assessment Criteria.

**IMPORTANT:** Funding is limited. When considering or preparing their Applications, Applicants should take into account that:

* Applications that do not achieve a high assessment rating  against Criterion 1 may not be further assessed; and
* Applications that are assessed as not adequately meeting any of criteria 2-5 may not be further assessed.

###### Criterion 1: Economic Growth, Housing Need and Supply

Applicants must demonstrate that: there is strong predicted economic and jobs growth and demand for housing in their regional city; there is land available for housing (for either greenfield or infill developments); and that their infrastructure proposal will support the supply of lots and dwellings that will contribute to meeting the identified demand for housing. To do this, Applicants must undertake a housing needs analysis covering the current and projected population, demographic, economic (including predicted jobs growth), supply and market factors. The analysis should draw on defensible data sets and reports, and clearly show how this data was analysed and interpreted (including identifying any relevant assumptions), and show how and to what extent this analysis supports their claims under this criterion.

Proposals which can demonstrate that dwellings can be delivered prior to 31 March 2014 (to allow for related reporting and acquittal requirements to be met by 30 June 2014) are likely to achieve a higher rating against this criterion.

###### Criterion 2: Infrastructure Delivery and Approvals

Applicants must demonstrate that their proposal will be delivered in an efficient and cost-effective manner, through good project planning, identifying and addressing any potential delays or risks to the successful completion of the project; being compliant with relevant State and Territory planning and development regulations, benchmarks, policies, plans and strategies; and having a high level of community support.

As funding under the BBRC Program ceases on 30 June 2014, Applicants that can demonstrate their proposal is Investment Ready will be favourably considered in the Assessment Process.

Applicants should address this criterion by:

* + clearly identifying the infrastructure that is proposed to be constructed using BBRC funding; the stages of delivery of the infrastructure; the estimated completion date of each stage; the costs of the infrastructure; and (where the infrastructure is capable of servicing future housing developments) the total catchment area which the infrastructure is capable of servicing.;
	+ providing details of all Commonwealth, State, Territory, Regional or Local planning and development:
		- benchmarks, policies, plans or strategies (such as regional development plans, master plans or local environment plans) which the proposed development aligns with; and
		- approvals which are needed to successfully deliver this proposal, including those which: have already been obtained; have been submitted but have not yet been approved; and those which are yet to be submitted and approved. Where approvals have already been obtained, Applicants should attach a copy of the approval (including any conditions of consent), to their Application Form;
	+ providing information on any economic /social / environmental assessments and community consultation initiatives which have been (or will need to be) undertaken, and providing evidence of community support for the proposal (eg: letters of support);
	+ submitting a project plan that shows how the infrastructure component of the proposal will be implemented and monitored, including: delivery stages and timeframes; activities (including any procurement activities, further community consultation efforts, and monitoring and reporting activities); key project personnel; roles and responsibilities; resources; outputs / deliverables / milestones; costings and budget.

Where detailed plans for particular activities already exist, these can be attached to the project plan, however key details must still be included in the project plan; and

* + submitting a risk management plan which identifies all risks to the successful completion of the project, along with risk ratings and proposed risk treatment or mitigation measures.

###### Criterion 3: Value for Money and Affordability

Applicants must demonstrate that their proposal represents value for money to the Australian Government; promotes the use of resources in an efficient, effective, economic and ethical manner; and will be undertaken in an accountable and transparent manner.

Applications should outline the proposed method for delivering the project. Generally, value for money requires that the project can be delivered at a reasonable whole-of-life cost which may involve open tendering in procurement or mechanisms to ensure competitive delivery with project implementation arrangements.

Applicants must demonstrate how low to moderate income earners will benefit as a result of the upfront development costs being borne by the Australian Government (namely how the proposal will result in an increase in the number of homes for sale and rent that are affordable for these groups, over and above any existing Commonwealth, State, Territory, regional or local affordable housing targets). In the case of homes purchased for affordable rental stock, it is expected that the renters will benefit, as opposed to the initial purchasers. Applicants should identify the mechanism by which these benefits will be delivered, and associated compliance, monitoring and reporting arrangements that will provide assurance to the Australian Government that the benefits are in fact being passed on to low to moderate income earners as intended.

Proposals which include in-kind or other funding contributions from the Applicant or other funding sources (except those which are funded through other Australian Government programs and initiatives which are aimed at increasing housing supply); or which are able to generate further savings which value add to the proposal over and above what can be delivered through BBRC funding alone, will be likely to achieve a higher rating against this criterion over those that only pass on savings from BBRC funding.

Applicants should address this Assessment Criterion (at a minimum) by providing details on:

* + any relevant Commonwealth, State, Territory, regional or local affordable housing regulations, policies, plans and strategies, or related instruments which apply to their proposal, and whether these specify any affordable housing targets which need to be met for new developments (and how they propose to meet this target);
	+ how ‘low to moderate income earners’ and ‘affordable housing’ have been defined for their proposal;
	+ how the costs of providing the infrastructure (for which BBRC funding is sought) would normally be met, and what these costs usually equate to for home purchasers;
	+ what mechanism(s) will be used to deliver the more affordable homes for sale or rent (the ‘affordability mechanism(s)’), such as rebates provided at the point of sale of lots, the development of a shared equity scheme or an affordable rental scheme;
	+ The value of the benefits per lot/dwelling; the anticipated number of lots/dwellings to which the benefit will be applied; and the anticipated timeframe for delivering these benefits
	+ who will be eligible to purchase or rent the affordable housing and what conditions will apply for eligible purchasers and/or affordable housing providers and renters of the affordable dwellings (eg: minimum owner occupancy periods, re-sale restrictions on titles, requiring eligible housing providers to retain dwellings as affordable rental stock for a specific period of time and at a rental rate that is affordable for low to moderate income earners);
	+ what administrative frameworks either are already in place or will be put in place to deliver the proposed affordability mechanism(s);
	+ compliance, monitoring and reporting arrangements on the affordability mechanism(s) to provide assurance to the Australian Government that the benefits are in fact being passed on to low to moderate income earners as intended; and
	+ the in-kind and other funding contributions that will apply to this proposal (such as the resources that will be allocated to administering the affordability mechanism(s)), and outlining where these contributions will be directed.

###### Criterion 4: Good Urban Design and Sustainability

Applicants mustdemonstrate the extent to which the proposal incorporates the principles of good urban design. This must include facilitating dwellings that will be well connected to existing or proposed employment and retail hubs and other community and transport services (such as transit oriented developments) and that incorporate a range of housing options (including identifying what proportion will comply with Australian Standards for ‘Design for Access’ and ‘Mobility and Adaptable Housing’).

Proposals should identify the mandatory (required under relevant government legislation and/or planning controls or instruments) environmental and sustainability measures which will be incorporated into the design and construction of the development itself.

Proposals that include non-mandatory (best practice) urban design, environmental and sustainability measures (such as water sensitive urban design elements, retention and/or incorporation of natural features within the development) which will lead to increased urban amenity, liveability and sustainability within the development will be likely to achieve a higher rating under this criterion over those that only address the mandatory requirements.

###### Criterion 5: Capacity and Compliance

Applicants must demonstrate that they have the capacity to deliver the project on time and within budget.

Proposals must include information on:

* + the qualifications, skills and expertise of key project personnel (relevant to their roles in the project);
	+ the availability of the key project personnel and any external contractors and sub‑contractors;
	+ the Applicant’s (and any Consortium members’) previous experience in delivering similar projects and/or of delivering projects funded under other Australian Government programs;
	+ the Applicant’s capacity to provide appropriate oversight of any sub-contracting, maintain accurate financial controls and meet the reporting and acquittal requirements associated with this funding;
	+ the Applicant’s management structure and governance arrangements, experience and skills of staff in project management, and financial management and grievance procedures; and
	+ any other current or planned projects or commitments which may affect the Applicant’s (or the Consortium members’) ability to deliver the project.

Applicants should show that reasonable steps have been taken to ensure the timeframes proposed for delivering the project are realistic (for example by having experts review the delivery timelines), noting that the Department will also be engaging suitably qualified experts to review the project delivery timeframes and feasibility as part of the Assessment Process.

Applicants must address how they intend to comply with the requirements of the Australian Government Building and Construction OHS Accreditation Scheme, the National Code of Practice for the Construction Industry and the Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry  (as per Section 3.10 of these Guidelines).

Applicants will also be assessed on their ability to comply with the terms and conditions in the Draft Funding Agreement. Applicants must review the Draft Funding Agreement, and indicate whether they are able to comply in full with the terms and conditions of funding. Where the Applicant indicates an inability to comply with these terms and conditions, they must identify which clauses they are unable to comply with, the reasons for their inability to comply, whether they will be able to remedy this non-compliance, and details of how they propose to do this.

It is important to note that where an Applicant indicates an inability to comply with the terms and conditions of the Draft Funding Agreement and this non-compliance is unable to be remedied, the Application may be assessed as not adequately meeting this criterion and/or it may not be possible to proceed with an offer of funding.

It is also important to note that where an Applicant is successful and has indicated an ability to comply with the terms and conditions of the Draft Funding Agreement in their Application, but amends their ability to comply with these terms and conditions after the offer is made, then that offer may be withdrawn.

# the Assessment Process

## Receipt and Registration of Applications, Initial Screening for Compliance

Once received, Applications will be screened by the Department to ensure that:

* the Applicant is eligible to apply and all mandatory eligibility criteria (see 2.7) have been met; and
* complete information has been provided in the Application Form (including mandatory attachments) to enable a fully informed assessment to be made.

Applicants will be sent an email within 5 working days to confirm receipt of their Application.

## Assessment of Funding Proposals against the Assessment Criteria

Applications for funding will be assessed against the Assessment Criteria by two separate panels:

1. a Departmental assessment panel comprised of staff from the Department, and which may also include representatives from other Commonwealth agencies; and
2. an expert panel comprised of experts chosen by the Department and drawn from professional fields, which may include: urban and regional planning and/or infrastructure planning and development; construction and building economics; urban growth and development and/or social economics; social science and/or social planning; and landscape architecture.

Panel meetings will be conducted in a manner that ensures the privacy and confidentiality of Applicants and Application information. Members of the expert panel will not communicate with Applicants about their Applications or the Assessment Process.

When undertaking the assessment of Applications, the Department may also bring in additional external assessors or seek additional expert advice on, or review of, particular aspects of the proposals for funding and/or the assessment of Applications. Feedback may also be sought from relevant Commonwealth, State or Territory government agencies, or other relevant sources as determined by the Department, which may be taken into account in the assessment (which in turn may require disclosure of some Application details to those agencies).

The Department may in its absolute discretion consider, accept, assess and recommend, or reject, any Application that is non conforming or non compliant, or which has not adequately addressed one or more criteria but which has satisfactorily addressed all other criteria.

## Clarification of Applicants’ Responses

The Department may contact Applicants during the Assessment Process to seek clarification, where the information provided in the Application is ambiguous or when contradictory statements are made. The Department reserves the right to accept or disregard responses by Applicants to any requests for clarification, particularly where such responses are seen to inappropriately add to or amend an Applicant’s original response.

## Financial Viability, Risk Assessments and Further Checks

***Risk Assessments***

The Department will undertake a risk assessment of the Application and, where it is considered that the project or Applicant organisation could be of significant risk, additional checks may be undertaken. The Department may also use information about an Applicant that is, or becomes, known to the Department, as well as any publicly available information.

Applications will be rated against a scale of high, medium and low risk, and these risk ratings will be taken into account during the assessment of Applications and in recommending projects to the Minister to inform the funding decision.

***Financial Viability Assessment***

An independent financial viability assessment may be undertaken based on the size and complexity of the overall project and/or the amount of funding to be provided. This will ensure the risks associated with the viability of the Applicant and the project are considered.

Part 3 of the Application Form specifies the information required from Applicant for the financial viability assessment.

The financial viability assessment will be undertaken by an appropriately qualified external consultant engaged by the Department and the findings of the viability assessment will be included in the project assessment and risk assessment. All information provided in an Application may be subject to a viability assessment.

***Further Checks***

As a part of the selection process the Department may also conduct further checks of Applicants and any Consortium members. The Department may also conduct checks for non-disclosure of any relevant information.

The Department reserves the right to use information from:

* the Department’s databases;
* other Commonwealth agencies, such as the Australian Taxation Office and Australian Securities and Investments Commission;
* State or Territory agencies;
* law enforcement agencies;
* credit reference agencies;
* courts or tribunals;
* referees; or
* any other appropriate organisation or person reasonably required as part of these checks.

The Applicants’ officers, employees, contractors, sub-contractors and/or agents may also be required to meet fit and proper person criteria including:

* competence to undertake the project;
* attributes of good character, diligence, honesty, integrity and judgment; and
* is not disqualified by law from performing activities necessary to undertake the project.

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**IMPORTANT:** The Minister may elect not to fund Applicants that are assessed as high-risk in terms of project delivery or financial viability, risk, or where Applicants indicate a significant inability to comply with the terms and conditions of the Draft Funding Agreement.In addition, any debts that the Applicant has accrued to the Department or other Commonwealth agencies may be taken into account when making a decision to offer funding.

## Selection of Successful Applicants

Following the completion of the Assessment Processes outlined above, recommendations will be made for approval by the Minister.

The Minister will consider the Department’s recommendations and make a decision on projects to be funded, taking into account whether each project will make efficient, effective, economic and ethical use of public money as required by Commonwealth legislation and whether any risk management strategies will need to be imposed as a condition of funding based on the assessment and risk analysis undertaken.

The Minister’s decision on the selection of Successful Applicants will be final.

# NOTIFYING Applicants

## Unsuccessful Applicants

Unsuccessful Applicants will be notified in writing of the outcome of the selection process, at the conclusion of the process, and will be offered the opportunity for feedback on their Application.

## Successful Applicants

Successful Applicants will be notified in writing of the outcome of the selection process. An opportunity will be offered to each Applicant for feedback. Successful Applicants will be invited to enter into Funding Agreement negotiations with the Australian Government and, following successful negotiations, the Applicant and the Australian Government will enter into a Funding Agreement.

It is important that Applicants be aware that no binding contract (including a process contract) or other understanding (including, without limitation, any form of contractual, quasi-contractual, restitutionary or promissory estoppel rights, or rights based upon similar legal or equitable grounds) will exist between the Commonwealth and an Applicant, nor will there be any obligation to provide any funding to the Applicant, unless and until the Australian Government executes the Funding Agreement.

# Complaints Mechanism

Complaints will be dealt with under the Department’s complaints management policy  The complaints management policy ensures that any problems an Applicant has with the Department’s services, decisions or policies and those of the Department’s funded service providers, are taken seriously and dealt with promptly.

For the Building Better Regional Cities Program selection process, the initial contact person is:

Director

Building Better Regional Cities Program

Department of Sustainability, Environment, Water, Population and Communities

GPO Box 787
CANBERRA   ACT   2601

Email: bbrc@enviroment.gov.au

Phone: 1800 034 564

If the complainant is not satisfied with the response from the Department and requests reconsideration within 30 calendar days, the manager or the initial contact officer will assess their investigation of the complaint and their response to the complainant.

If the complainant is still not satisfied after receiving this response and approaches the Department again, an internal review of the issue may be triggered. Complainants requiring an internal review of their complaint will be required to write to the Department requesting an internal review within 60 calendar days of receiving the second response and are required to state the grounds for the review.

If the complainant is still not satisfied with their response from the internal review process they may wish to pursue other avenues of complaint available to them outside of the Department. These include the Commonwealth Ombudsman [http://www.ombudsman.gov.au] or the Administrative Appeals Tribunal as appropriate. If an Applicant is dissatisfied at any time with the Department’s handling of the complaint, they can also contact the Commonwealth Ombudsman.

# APPLICANT’S RESPONSIBILITIES

## Applicant’s Responsibilities

It is the responsibility of the Applicant to:

* fully and properly inform themselves of the requirements of the BBRC Program, these Application Guidelines and the Application Form;
* ensure that their Application is complete and accurate. The Department is not obligated to request additional or missing information;
* keep a copy of their Application and any attachments, for their own records; and
* inform the Department of any changes to their circumstances which may affect their Application or their eligibility for this funding.

The Applicant's participation in any stage of the Application process, or in relation to any matter concerning the process, is at the Applicant's sole risk, cost and expense. The Commonwealth will not be responsible for any costs or expenses incurred by the Applicant in preparation or lodgement of an Application or in taking part in the Application process.

## Branding and Recognition Requirements

Given the significant financial commitment from the Australian Government, Successful Applicants are required to acknowledge the Australian Government’s support and funding for a project, by using due recognition words or by using an Australian Government logo in communication materials. These and other requirements relating to cooperation on communication and promotion activities are included in the terms and conditions of the Funding Agreement.

##  Confidential Information

Applicants must identify any information contained within their Application which they consider should be treated as confidential and provide reasons for the request. The Australian Government reserves the right to accept or refuse a request to treat information as confidential.

A request made under the *Freedom of Information Act 1982* (Cth) for access to an Application marked ‘confidential’ will be determined in accordance with that Act.

# THE DEPARTMENT’S RIGHTS

The Department and the Australian Government reserves the right to amend these Application Guidelines by whatever means it may determine in its absolute discretion and will provide reasonable notice of these amendments. The Department and the Australian Government also reserves the right to vary, suspend or terminate the Assessment Process, and, notwithstanding any other provision of these Application Guidelines may undertake direct negotiations or enter into a contract with any Applicant, as it determines in its sole discretion.

The Department reserves the right to mark any Application ‘non-compliant’ and not consider that Application for funding if it has concerns about the authenticity of the information provided. The Department may also consider, accept, assess and recommend a non-compliant bid, in its sole discretion.

## Liability Issues

Without limiting the disclaimer below, the Department is not liable to the Applicant for any costs on the basis of any promissory estoppel, quantum meruit or any other contractual, quasi contractual or restitutionary grounds whatsoever as a consequence of any matter or thing relating to, or incidental to the Applicant’s participation in the Application and Assessment Process, including without limitation, instances where the Department:

* varies or terminates all or any part of the Assessment Process or any negotiations with the Applicant;
* decides not to acquire any or all of the services sought through the Assessment Process; or
* exercises or fails to exercise any of its other rights under, or in relation to the Application Guidelines.

## Disclaimer

The Department and its officers, employees, agents and advisors:

* are not, and will not be, responsible or liable for the accuracy or completeness of any information in or provided in connection with the Application Guidelines and Application Forms;
* make no express or implied representation or warranty that any statement as to future matters will prove correct;
* disclaim any and all liability arising from any information provided to the Applicant, including, without limitation, errors in, or omissions contained in, that information;
* except so far as liability under any statute cannot be excluded, accept no responsibility arising in any way from errors or omissions contained in any information in the Application Guidelines and Application Form; and
* accept no liability for any loss or damage suffered by any person as a result of that person, or any other person, placing reliance on the contents of the Application Guidelines and Application Form, or any other information provided by the Department.

#  PROBITY

The Australian Government is committed to ensuring that the process for providing funding under programs is fair and in accordance with published guidelines, as may be varied by the Australian Government from time to time. Any amendments to the BBRC Application Guidelines will be published on the Department’s website.

The Department has appointed a probity advisor to provide oversight of the BBRC Program.

**Glossary**

**Audited Financial Statements**

Audited financial statements are independently audited by an approved auditor, prepared in accordance with Australian Accounting Standards. The financial statements should include:

* statement of financial position;
* statement of financial performance; and
* Statement of cash flow, including balance sheet and profit and loss statement.

**Australian Accounting Standards**

The standards of that name maintained by the Australian Accounting Standards Board created by section 226 of the *Australia Securities and Investments Commission Act 2001* (Cth)*.*

**Applicant**

Means an Eligible Organisation that submits an Application. Individuals are not eligible to apply for BBRC funding.

**Application**

Means the application for funding submitted by an Applicant. The application must be filled out in accordance with the requirements in these Application Guidelines, on a prescribed Application Form including mandatory attachments and submitted by the Closing Date.

**Application Form**

The electronic (or hardcopy) application form made available to Applicants to submit an Application for funding. The application form must be submitted in accordance with the instructions in these Application Guidelines.

**Application Guidelines**

These Application Guidelines which may be accessed by an organisation interested in submitting an Application for funding.

**Application Pack**

The material made available by the Department for Applicants to help ensure Applicants understand their requirements for submitting a completed Application Form by the Closing Date The application pack consists of the Application Guidelines, Application Form and Draft Funding Agreement.

**Application Period**

The period for an Applicant to complete and submit their Application Form. It commences from the time the Applications are sought and finishes on the Closing Date for submitting Applications. During this period the Department will only respond to requests for information that seek clarification of issues or material that allow them to better understand the requirements of the Application Form and Application Guidelines.

**Assessment Criteria**

The assessment criteria for assessing applications as outlined in the Application Guidelines.

**Assessment Process**

The assessment process for the selection of funding recipients outlined in the Application Guidelines.

**Closing Date**

The closing date is the date and time specified in the section 'Important Information'.

**Commercial-In-Confidence**

Information in the Application Form that the Applicant clearly identifies as confidential and is not information that is:

1. in the public domain, or
2. already known to the Department other than through an obligation of confidence.

**Consortium**

A consortium is an association of two or more companies, organisations or governments (or any combination of these entities) with the objective of participating in a common activity or pooling their resources for achieving a common goal. The Department will only contract with the lead organisation of the consortium, and that lead organisation must be an Eligible Organisation. A Successful Applicant who utilises a consortium arrangement will be held liable for all obligations contained in the terms and conditions of the Funding Agreement. This includes monitoring, management, financial performance, service outcomes, and insurance coverage.

**Delegate**

The Minister or his/her nominated representative who will approve all projects and Successful Applicants, with reference to a report on the Assessment Process outcomes provided by the Department.

**The Department**

Commonwealth Department of Sustainability, Environment, Water, Population and Communities.

**Draft Funding Agreement**

The draft Funding Agreement is a draft only copy of the Funding Agreement, and is supplied as part of the Application Pack. It is available separately from these Application Guidelines via the Departmental website. A Draft Funding Agreement may, but will not necessarily, constitute the final version of the Funding Agreement. See also - Funding Agreement.

**Eligible Infrastructure Project**

See sections **2.4** and **2.5** of these Application Guidelines.

**Eligible Organisation**

See section **2.2** of these Application Guidelines.

**Eligible Regional Cities**

See section **2.1** of these Application Guidelines.

**Funding Agreement**

The Funding Agreement is the agreement that is signed by a Delegate of the Department and the Successful Applicant’s authorised representative. The Department’s Funding Agreements are performance based, legally enforceable agreements between the Commonwealth and the funding recipients that set out the terms and conditions governing the funding. Funding Agreements are used where the Department is providing funding to another party to deliver services or undertake certain activities, on behalf of the Department, to the community.

**Greenfield**

Agricultural land or undeveloped site in a city or rural area.

**Infill**

New construction within an existing built-up (urban) area.

**Investment Ready**

Projects which are “investment ready” must be ready to proceed, including to commence construction, within six months of signing the Funding Agreement. It is expected that all planning, rezoning, environmental and/or native title and other relevant approvals will be in place.

**Incorporated non-profit or not-for-profit organisations**

An organisation is non-profit if its activities are not carried on for the profit or gain of its individual members. The constitution or governing documents of the organisation should prohibit distribution of profits or gains to individual members.

**The Minister**

The Minister for Sustainability, Environment, Water, Population and Communities.

**Successful Applicant**

Those Applicants who are selected by the Minister and who subsequently sign a Funding Agreement with the Australian Government.

**ATTACHMENT A**

**Eligible Organisations**

|  |  |  |  |
| --- | --- | --- | --- |
| **New South Wales:** |  | **Victoria:** |  |
| **Albury** | Albury City Council | **Ballarat** | Ballarat City Council |
| **Ballina** | Ballina Shire Council | **Bendigo** | Greater Bendigo City Council |
| **Bathurst** | Bathurst Regional Council | **Geelong** | Greater Geelong City Council |
| **Cessnock** | Cessnock City Council | **Mildura** | Mildura Rural City Council |
| **Coffs Harbour** | Coffs Harbour City Council | **Shepparton** | Greater Shepparton City Council |
| **Dubbo** | Dubbo City Council | **Traralgon** | Latrobe City Council |
| **Gosford** | Gosford City Council | **Warrnambool** | Warrnambool City Council |
| **Lake Macquarie** | Lake Macquarie City Council | **Wodonga** | Wodonga City Council |
| **Lismore** | Lismore City Council |  |  |
| **Maitland** | Maitland City Council |  |  |
| **Newcastle** | Newcastle City Council | **Western Australia:** |  |
| **Nowra** | Shoalhaven City Council | **Bunbury** | Bunbury City Council |
| **Orange** | Orange City Council | **Geraldton** | City of Greater Geraldton Council |
| **Port Macquarie** | Port Macquarie-Hastings Council | **Kalgoorlie/Boulder** | Kalgoorlie-Boulder City Council |
| **Queanbeyan** | Queanbeyan City Council | **Mandurah** | Mandurah City Council |
| **Tamworth** | Tamworth Regional Council |  |  |
| **Tweed Heads** | Tweed Shire Council |  |  |
| **Wagga Wagga** | Wagga Wagga City Council | **Tasmania:** |  |
| **Wollongong** | Wollongong City Council | **Burnie** | Burnie City Council |
| **Wyong** | Wyong Shire Council | **Devonport** | Devonport City Council |
|  |  | **Launceston** | Launceston City Council |
|  |  |  |  |
| **Queensland:** |  |  |  |
| **Bundaberg** | Bundaberg Regional Council | **South Australia:** |  |
| **Cairns** | Cairns Regional Council | **Mount Gambier**  | Mount Gambier City Council |
| **Gladstone** | Gladstone Regional Council |  |  |
| **Gold Coast** | Gold Coast City Council |  |  |
| **Hervey Bay** | Fraser Coast Regional Council | **Northern Territory:** |  |
| **Mackay** | Mackay Regional Council | **Palmerston**  | Palmerston City Council |
| **Rockhampton** | Rockhampton Regional Council |  |  |
| **Sunshine Coast** | Sunshine Coast Regional Council |  |  |
| **Toowoomba** | Toowoomba Regional Council |  |  |
| **Townsville** | Townsville City Council |  |  |